



M U L T I S T A T E

[Lawmakers renting from lobbyists less often in Jefferson City](#) (Missouri)

Lobbyists are no longer leasing housing to lawmakers in the capital city — with one exception.

State Rep. Adam Schwadron, R-St. Charles, is the only state legislator renting from a registered lobbyist, according to disclosures filed with the Missouri Ethics Commission.

Leases between lobbyists and state officials have drawn scrutiny in the past and have been less common in recent years: Between 2016 and 2018, lobbyists reported renting to a dozen lawmakers and state officials, according to ethics commission records.

Schwadron has been renting space in a house owned by lobbyist Tracy King's LLC since Jan. 1, according to ethics commission records. She said Schwadron pays a fair market rate. King works for Strategic Capitol Consulting.

Schwadron, a freshman legislator elected last year, said his rent is \$365 per month and that there was no ethical issue. He said he was “scrambling” to find housing in December, before he was sworn in, and contacted King.

“I don't believe there are any concerns,” Schwadron said. “Before I moved down there, I reached out — because I didn't know where I was going to live — and so I called people that I just happened to know.

“One of them was Tracy King,” Schwadron said. “She mentioned, ‘Oh yeah, we actually have a place,’ and she's rented out to other people before. And so I went and saw the place. I loved the location — very, very close to the Capitol.

Schwadron told the Post-Dispatch he signed a 12-month lease for the apartment, which he said is the upstairs of a house. He said he still has a residence within his House district.

He said he may ultimately welcome a roommate or relocate, saving money in the process.

“I actually deal with her (King’s) husband when it comes to paying the bills or any issues that arise with anything at the place,” he said. “She’s wanting to keep it as separate as possible.”

Schwadron was first elected to the House last year, defeating Democrat Cindy Berne by 541 votes to represent the 106th House District. The House race was the closest in St. Charles County that year.

King lobbies for dozens of clients, including the pro-charter school Opportunity Trust and unregulated gaming company Torch Electronics.

Numerous lawmakers in years past rented spaces in Jefferson City from lobbyists for use during legislative sessions. Lobbyists are required to report business relationships with state officials.

In 2016, then-Rep. Margo McNeil, D-Florissant, [rented housing space in the capital city](#) from a longtime lobbyist for the American Federation of Teachers, one of the country’s largest labor unions.

The lobbyist, Luana Gifford, said then she saw nothing wrong with the rental arrangement as long as she reported it to the MEC.

“It’s very ethical,” she said.

Sen. Gina Walsh, D-Bellefontaine Neighbors, rented from a lobbyist between 2015 and May 2020, ending the arrangement after her last regular session in the Legislature.

Former state Sen. Rob Schaaf, R-St. Joseph, rented a room from lobbyist Richard McIntosh while Schaaf was in the Legislature.

In 2017, Sen. Caleb Rowden, R-Columbia, confronted Schaaf on the Senate floor about the western Missouri Republican’s relationship with the lobbyist.

“You’re raising the issue and casting doubt upon my integrity,” Schaaf told Rowden. “If you are going to stand there and accuse me of doing something illegal or immoral or unethical, then I’m going to look at every one of your bills and see if that entity gave you a campaign contribution. Are you ready to accept that?”

“Sure,” Rowden said.

“Then this interrogation is over,” Schaaf said.

Tallahassee ethics board proposing stronger lobbying ordinances, expanded role (Tallahassee, FL)

The Tallahassee Independent Ethics Board wants to strengthen policies governing lobbyists as the glare of a federal corruption probe and investigative reporters have illuminated paid work and deal-making done behind the scenes on projects and policies.

The board is recommending two ordinances and one change to the city charter that requires a ballot amendment in language sent to the City Commission. The Ethics Board meets Tuesday when it will discuss those recommendations.

It has been working for months to add more teeth to its role in regulating lobbying in the city. It has cited reporting by the Tallahassee Democrat that detailed the intersection of lobbying, private business, political campaigns and public policy and has worked to expand who would be considered a lobbyist and enact meaningful enforcement.

“It is the opinion of the board that such an approach eliminates any ambiguity in the current ordinance, which will better protect those individuals and entities engaging city government and instill confidence with the public,” wrote board chair Carlos Rey in the submittal letter.

Changes to definitions, lobbying contact logs

The first ordinance recommendation puts greater emphasis on the definition of who is a lobbyist and what constitutes lobbying.

Under the proposal, a lobbyist would be considered, all people, firms or business entities employed or retained in exchange for compensation or any other consideration which will come before the City Commission or other decision-making body under the city charter who seeks to encourage or influence city commissioners, the city manager, any employee or charter body.

Similarly, the proposal details exemptions, as long as they disclose clients or affiliations.

They include expert witnesses appearing in a public meeting, anyone representing a client at a quasi-judicial hearing, citizens expressing support or opposition without compensation,

neighborhood association representatives working without compensation, unpaid volunteers for non-profits, those representing nonprofits seeking grants, city employees or city lobbyists.

The same draft ordinance sets up lobbying registrations and dictates how lobbying activity should be detailed and be available for public inspection.

Lobbyists are responsible for maintaining their registration and must, within three business days, complete a contact log that includes their client, who was being lobbied and the name of anyone participating in the communication, location and specific subject matter discussed.

Additionally, the same proposed ordinance bans contingency fees, compensation that is dependent on official action, and makes paying or accepting them a first-degree misdemeanor. Lobbyists who violate the contingency fee ban would be required to forfeit the fee or market value of a non-monetary payment which would be diverted into the city's General Fund.

Expansion of Ethics Board

The board is recommending expanding its role and Independent Ethics Officer Dwight Floyd's purview over lobbyists and infractions.

To do so, would require voters to approve the changes.

Floyd's role under the current ordinance is a limited one in which the position serves as a point of contact for complaints about failing to register.

The new proposal would add "lobbyists appearing before the city" under the jurisdiction of the Ethics Board. If approved by electors, the board would have the power of judicial review over penalties assessed and discipline imposed by the city's Treasurer-Clerk, which is now the primary enforcement agency over lobbying regulation and penalties.

Expanding jurisdiction to review lobbyist penalties

If voters pass the expansion, the Ethics Board would forward a third ordinance that could allow it more involvement in leveling penalties for lobbying infractions.

It would allow the Independent Ethics Officer to not only serve as a point of contact but initiate action with the City-Treasurer-Clerk.

While the clerk's office would maintain jurisdiction over lobbyist complaints, the proposal would add the Ethics Board as a body with appellate review for lobbyists to dispute penalties.

Doing so, would keep review within the city and instead of through Leon County Circuit Court, which is in current policy.

[2 years later, little progress on tracking lobbyist spending in Montana](#) (Montana)

Once the dust settled from the 2019 legislative session in Montana, lawmakers, lobbyists and the state's top political cop gathered that summer to begin discussing fixes to the state's opaque system for tracking who was spending money to influence the political process.

Two years and one legislative session later, the state still lacks a centralized database to track lobbying spending, with no way to determine how many total dollars flooded into Helena during the session or where they were spent — short of the time-consuming process of poring over hundreds of individual documents filed each month.

Those [reports accounted for nearly \\$7 million in spending during the four-month 2021 legislative session](#), according to [data compiled by the Montana State News Bureau](#).

The past two years did see some progress on the state's lobbying system. Legislation passed earlier this year cleaned up outdated language in state law, following more than a year of study by a legislative panel during the interim.

And last year, Jeff Mangan, Montana's Commissioner of Political Practices, oversaw a major upgrade to the state's [electronic reporting system](#), which had become largely unusable due to a lack of maintenance over the previous decade. Several lobbyists praised the latest upgrades.

"It is light-years ahead of where it was," said Jessie Luther, with Helena-based consulting firm Taylor Luther Group. Although she added, "I know some folks still struggle with it because it's not super intuitive."

But many others continue to file paper reports, which are then scanned in and reside in a separate online database, requiring members of the public to search through both systems to find information on lobbying spending. Discrepancies often emerge among the same reports filed in both systems, including total dollars spent and bills lobbied. And while principals have to report which bills they hired lobbyists to work on, and what positions they took, there's no way to search either database by bill number to find out who has been pushing for or against a piece of legislation.

Mangan ended his office's prior practice of typing those hard-copy reports into the electronic database after he took office in 2017.

"Basically, we were being the secretarial pool for the lobbyists," he said. "The easiest way to make sure everyone files electronically is to mandate it, and that's something I wanted the Legislature to take a serious look at."

During the 2019-20 interim, a committee of lawmakers started drafting up a bill to mandate electronic reporting, but ultimately shelved the idea, citing the system's state of disrepair at the time. Former Sen. Dee Brown, a Hungry Horse Republican then serving in her final legislative term, suggested during a February 2021 committee meeting that any lawmaker could opt to pick up legislation to mandate it during the 2021 session if the electronic system got fixed, but none did.

Along with Mangan, multiple lobbyists have also backed the idea of a centralizing their reports.

"It made it frustrating if I was trying to figure out who was working on a bill, and I could tell someone was working on it, and I didn't know who it was," Rhonda Wiggers, a longtime lobbyist in Helena, said in a recent interview. She stopped short of endorsing a mandate, but given the upgrades to the previously unusable system, said she wouldn't oppose one either.

"There's no point in turning it in if it isn't going to be used," she added. "If we're all just going to dump loads of paper on them and they're just going to put it in a box and put it in another room, then we've all just wasted a bunch of time."

Reporting requirements for lobbying in Montana also apply only to those activities directed at state lawmakers — a distinction that isn't lost on them. Those expenses are occasionally captured, though, with some reports listing statewide elected officials among the attendees at dinners hosted by lobbyists.

But since a pair of Supreme Court decisions in 1981 struck down parts of the lobbying statutes that applied to other government officials, the Legislature has done little to tweak the law.

The most significant law guiding lobbying and reporting in the last 50 years wasn't enacted by lawmakers, but through citizen initiative. In 1980, voters overwhelmingly approved Initiative 85, which established requirements for principals to register with the state and disclose lobbying activities, including spending on individual public officials.

Since then, legislative changes to the lobbying statutes have been so few and far between that until this year, that section of state law still referred to the use of telegraphs as a form of political communication.

Sen. Doug Kary, R-Billings, who has been a member of the State Administration and Veteran's Affairs Interim Committee for nearly a decade, carried [one of that committee's bills](#) earlier this year. After 18 months of discussion, it mainly amounted to a cleanup bill, rewriting the lobbying definitions to conform to earlier court rulings and updating some of the language, including "telegraph." It was signed into law earlier this after earning near-unanimous approval in the Legislature.

"That bill, we could have done a lot more with it, but the appetite was not there," Kary said in an interview. "... The more we got done, the less they seemed to want to do it all of a sudden. We wanted stuff done for the judiciary and all that, and the appetite to apply it to the judiciary and [executive branches] wasn't there."

The SAVA Committee has already begun its work for the current interim, and lobbying issues haven't been part of the conversation. Kary noted that with an in-depth study of the Montana State Fund and other work already assigned to the committee, the lobbyist reporting system is unlikely to get another hard look before the 2023 session.

Montana has long been among the nation's most strict when it comes to campaign finance disclosure — an area of political spending that accounts for a far greater sum of money than lobbying.

Pete Quist is the deputy research director for OpenSecrets, a nonprofit that tracks spending in politics. He characterized Montana's lobbying requirements as comparable to other states, only about half of which require principals to disclose their exact payments to lobbyists. But he also stressed that failing to pull that information together in one place keeps the public in the dark about how much total money was spent, and where it went.

"They're working with, talking with our elected officials, which matters as they sit down and try to affect how these votes are done, how they're drafted, what kind of amendments are drafted for bills to be friendly to an industry or to be friendly to an ideology," Quist said. Compared with campaign finance, "lobbying data is arguably more important, where we can get it, because of that direct impact on public policy."

[Lobbyist spending reached nearly \\$7 million during 2021 session](#) (Montana)

Advocacy groups, corporations, government agencies and others reported nearly \$7 million in lobbying efforts to influence Montana's political process during this year's legislative session.

That amounts to an average of \$46,000 worth of arguments, dinners, drinks and other tools of persuasion for each of the 150 lawmakers who convened in Helena from January through April.

State law requires any person or entity who spent at least \$2,650 on lobbying must report how much they paid for the effort, who lobbied on their behalf and what bills they focused on. But the Commissioner of Political Practices — the office tasked with enforcing that reporting system — stopped its practice of compiling that information in a single database in 2019.

The Montana State News Bureau [dug through those reports to better understand the extent of lobbying spending](#) during the 80-day session. It represents a roughly half-million-dollar increase in reported lobbying activity from two years ago, according to [data compiled by Montana Public Radio](#) after the 2019 session.

Corporations and other business-aligned groups accounted for half of the total spending this year, unsurprisingly led by industries with the biggest financial stake in legislation winding through the halls of the Capitol.

With several major bills revolving around the future of the Colstrip Power Plant, energy companies were some of the top spenders this session, contributing more than \$600,000 to the reported lobbying total.

And while they received less attention, a number of impactful bills affecting tort reform and related issues attracted the attention of the insurance industry — to the tune of \$392,000. Hospitals and others in the health care industry contributed \$343,000. The pharmaceutical industry chipped in another \$268,000.

Professional organizations, representing occupations from state highway troopers and trial lawyers to acupuncturists and airport managers, spent more than \$500,000.

Environmental groups reported spending about \$300,000, as did labor groups.

Lobbyists and their principals (the organization or other entity that hires a lobbyist) can choose to file their reports either electronically or via hard copy. Commissioner of Political Practices Jeff Mangan took office in 2017, and subsequently ended his predecessors' practice of entering data from [hard copy submissions](#) into the [electronic database](#), citing the amount of staff time required to do so.

That means that information resides in either the COPP's electronic database or its online collection of scanned hard copies. But neither source is comprehensive, and getting a full picture of the session's reported lobbying efforts requires sifting through hundreds of documents submitted in paper format and then scanned and posted online to find spending for each principal, during each reporting period. Following recent upgrades to the electronic reporting system, Mangan estimated during a recent interview that 65 percent of lobbyists were now filing reports electronically, but noted that a mandate to do so would have to come from the Legislature.

For the Montana State News Bureau's analysis of the 2021 session, boiling down the more than 400 principals into broader categories during the session requires some subjective interpretation. Does CVS belong in the "pharmaceutical industry"? Would a group advocating for coal fall under "energy" or "mining"? Many of those principals didn't fit neatly into any single sector; the American Association of Retired Persons and the Montana Food Bank Network wound up in "other advocacy groups" for the State Bureau's analysis of the data.

But a rough breakdown of those principals into general categories offers a window into the relative intensity of their lobbying efforts. Montana lawmakers were tasked with making sense of the voters' decision in November to legalize recreational marijuana in the state. That industry, along with some opposed to legalization, poured in \$130,000 to that end.

And other controversial industries maintained a significant presence in Helena, like gambling, which spent \$126,000. Groups aligned with tobacco companies spent \$82,000 to influence several bills related to the growing vape industry — though they were outspent by the Tobacco-Free Kids Action Fund, which mustered \$94,000 to support its cause.

The public sector was also well-represented on the first and third floors of the Capitol. Local governments reported over \$330,000 in spending — mainly the big cities in Montana, but also through organizations that represent all municipalities or counties across the state. More than a third of that total, for instance, came from the Montana Association of Counties.

State departments and agencies also routinely provide testimony as bills wind through the legislative process. Often they appear in an informational-only role, although they also take stances on bills during hearings. Altogether, they spent \$154,000. The Department of Transportation, which cited dozens of associated bills it weighed in on and a slew of state employees as lobbyists, accounted for \$76,000 of that total, although those employees appeared as informational witnesses on most of the bills listed.

Based on addresses listed for principals, out-of-state spending accounted for \$2.8 million, from 29 states — although this is almost certainly an undercount, since many national organizations listed a Montana address. Nearly \$300,000 in spending came from groups based in Washington D.C., while principals from Washington state, Texas and California each accounted for more than \$200,000 in total spending.

Nearly two dozen principals reported spending more than \$50,000 during the session. MACo was the top spender, reporting a total of \$126,000. The other top five included Texas-based energy group Broad Reach Power; the D.C.-based Tobacco-Free Kids Action Fund; Charter Communications; and SEIU 775, a nationwide labor union of long-term care providers based in Washington state.

Montana doesn't always draw a straight line from groups to their lobbying

(Montana)

Despite a lobbying reporting system in which state regulators say that “99%” of participants play by the rules, following the money spent to influence legislation in Montana isn’t always a straightforward process.

Along with the [inability to track reported lobbying expenses in a centralized database](#), there were a number of groups that paid lobbyists during the 2021 session without saying what legislation they were lobbying for or against, or that funneled lobbying expenses through other groups. In other instances, the flow of dollars from groups or corporations through multiple lobbying firms further obscured the money’s source.

Commissioner of Political Practices Jeff Mangan acknowledged the state doesn't have a perfect system for connecting principals to the on-the-ground lobbying efforts they're paying for. A centralized, electronic database to track lobbying might help, particularly if the public could use it to search by legislation. But he noted that tightening up those rules would have to come from the Legislature.

"I think our disclosure gives us a good picture of what's happening up there," Mangan said during a recent interview. "Could we get more information? Yes. Is it maintaining a system that people should have confidence in? I think absolutely it is."

Individuals, corporations and other entities reported [spending nearly \\$7 million to influence lawmakers during the 2021 legislative session this year](#).

Inconsistent reporting

It's clear from their names who most of those principals are, or who they represent. While some bear more generic monikers, they usually report enough detail to the state's Commissioner of Political Practices to paint a clear picture of their purpose and intent. But despite Montana's requirements that they disclose any bills "for which a major effort was exerted," many list either no details of their lobbying efforts or only a vague description.

Some groups, like the Montana Federation of Public Employees and the Montana Mining Association, reported scores of bills to which they deployed lobbyists this year.

But the Trust for Public Land, for instance, only listed support for "conservation funding," despite spending over \$31,000 on lobbying efforts during the four-month session. The Philanthropy Roundtable reported half of its total spending during the final month of the session. With \$10,000 in lobbying expenses, it only identified support for "philanthropic freedom" in its post-session report, although it had cited some specific bills earlier in the session.

Scott Cook, an investigator at the COPP office, noted that in some cases companies or groups will simply pay a retainer to a lobbyist or firm that will monitor the session on their behalf, without necessarily expending efforts opposing or supporting a specific bill. Others may have felt their efforts on a single bill fell shy of the "major effort" threshold.

In other instances, the COPP's hard copy database won't specify any legislation — such as the Northern Plains Resource Council, which spent over \$68,000 lobbying during the session. Users have to instead navigate over to the electronic database, where the group has attached addendums listing dozens of bills on its reports. The same is true of the office of the COPP itself, which reported \$15,000 in lobbying efforts.

"We've always taken the position that there's no penalty for over-reporting," said Jessie Luther, with Helena-based consulting firm Taylor Luther Group.

Lobbyists-as-principals

Taylor Luther Group was among several lobbying or consulting firms that listed themselves as principals during the 2021 session. The firm reported spending \$60,000 to hire outside lobbyists for legislation ranging from budget proposals to land use bills to the state's new law shielding businesses from liability over COVID-19 transmission.

The firm boasts dozens of high-profile companies and organizations among its clients, and Luther said in some cases they would hire outside firms or lobbyists to take some of the workload off their plate. Under state law, that requires Taylor Luther Group to register and report as a principal itself.

“When we supplement our resources by bringing on subcontractors, they’re being paid by our firm, and that’s the only opportunity for the appropriate reporting and disclosure,” Luther said.

That also appeared to be the case with another local lobbyist, Jon Metropoulos, who spent \$30,000 to hire an outside lobbyist to support narrowly tailored legislation that sought to repeal new selenium standards in Lake Koochanusa during the session. The series of payments from his firm mirror the \$30,000 paid to him by Canadian mining company Teck Resources, which was arguably the main stakeholder with an interest in repealing the water quality standards.

Metropoulos declined to comment when reached by phone. The lobbyist he hired, Darryl James, said only that he was contracted to work on the issue, but was unaware of any further arrangement with another principal.

But those reported expenses, from one lobbyist to another, make it harder to tell whether a different company or group was ultimately behind the lobbying effort.

Deloitte Consulting, a firm with offices across the country, paid a local lobbyist \$12,000 during the session to influence the Legislature’s main spending bill and another bill dealing with long-term technology appropriations.

“We have engaged Taylor Luther Group for their experience and insights on issues important to our clients and our business,” William Carroll, a principal with the firm, wrote in an emailed statement. “Consistent with our commitment to the public interest, we comply with all public disclosure laws regarding their lobbying activity.”

Strategies 360 was similarly tight-lipped about its spending. The nationwide lobbying firm reported paying local lobbyists \$30,000 solely to fight Senate Bill 379, which sought to shield NorthWestern Energy from future financial losses associated with the troubled Colstrip Power Plant.

“S360 does not publicly comment on its lobbying strategy,” spokesman Chris Averill stated in an emailed response to questions about the report.

Colstrip-related bills saw some deep-pocketed energy companies lining up on opposite sides, particularly those related to disputes between the power plant's multiple owners. The energy sector accounted for nearly 10% of all reported lobbying activity during this year's session, spending about \$630,000 over the four-month period, according to data compiled by the Montana State News Bureau.

But even that total — which requires manually finding and reading individual reports from both of the state's separate databases — doesn't capture all the reported spending.

There's also tens of thousands of dollars that energy companies gave to at least one seemingly unrelated group during the session. The Senior Water Rights Coalition, which reported lobbying efforts on dozens of bills affecting water rights, irrigation and other related legislation, reported spending \$39,000 over the course of the 2021 session. That's equal to the combined \$33,000 it got from Avista and NorthWestern Energy, plus \$6,000 it received from farm groups.

Principals are required to report those contributions if they're earmarked for specific lobbying purposes. The group's report lists "All issues of interest" in the field to describe what issues for which the funds were earmarked.

Similarly, Montanans for Lower Rx Costs reported getting \$35,000 from a pair of national health insurance companies to spend on lobbying efforts during the session. It reported spending \$16,000, all for advertising, on a handful of bills and bill drafts related to prices for prescription drugs.

Limited resources for oversight

Overall, Mangan argued that the current system paints an accurate portrait of lobbying efforts in the Legislature. Within the relatively small world of lawmakers, lobbyists and other political actors operating in Helena, there's a strong incentive to accurately report, he said.

Taking a more active role in policing lobbying activities or auditing reports would require staff, which are already stretched thin in his office. The Legislature's budget for 2022 and 2023 kept the COPP office largely intact for the next two years. But with a \$405,000 annual budget and just 6.5 full-time employees, it's a tiny organization relative to other state agencies.

The enforcement system for the state's lobbying laws is driven by complaints filed by individuals — sometimes from a lobbyist on the opposite side of an issue. Mangan said late reports automatically accrue a \$50 fine for each day late, although several groups appeared to have never filed a mandatory post-session lobbying report despite engaging in lobbying activity

during the covered time period — the Montana Newspaper Association, for instance. MNA said it filed a late report Wednesday after receiving inquiries from the Montana State News Bureau.

Mangan did say he'd like to see a requirement that principals and lobbying firms disclose when they also have contracts with state agencies. And he estimated that grassroots lobbying, in which groups push ads on social media and traditional outlets, accounts for hundreds of thousands of dollars in undisclosed spending each session. Montana's lobbying statutes don't require disclosure of those expenses.

"We're going to see more and more of it. We didn't see it much in 2017, saw a lot of it in 2019, a lot more of it this last session," Mangan said. "... Those are the dollars we don't know about, and it's significant."

Mangan's predecessor, Jonathan Motl, takes a less charitable view of the system. He said Mangan and his staff do the best they can with the resources they're given, but also argued the state's lobbying statutes suffer from too much discretion, with major differences in what activities get reported from one principal to the next.

"Part of the reason for that is lobbying is one of those areas where the political barriers to reform are enormous," he said. "They are enormous because the very entities you're trying to reform are the entities that are dealing on a daily basis with legislators, and to make that relationship more transparent is something that's going to be resisted."

[Hochul Pledges Ethics Overhaul, Says Current System is 'Flawed'](#) (New York)

While the state Legislature considers ways to bolster enforcement of the state's ethics laws for public officials, Gov. Kathy Hochul said Wednesday that the current system of enforcing those rules is "flawed," and that she wants to "turn it upside down."

Those comments were targeted at JCOPE, the state's ethics agency, which lawmakers and good government groups have said isn't truly independent from influence by outside actors.

"Most New Yorkers question why you'd have elected officials picking the people charged with investigating or evaluating their work," Hochul said. "The whole premise behind it is flawed."

JCOPE is comprised of 14 members, almost half of which are appointed by the governor. The rest are appointed by leaders from the Legislature, who are forced to pick appointees of their same political party when there's a vacancy.

That's led to times when members of the commission were accused of siding with whoever appointed them, or members of their party.

"I want to make sure we are not stacking these bodies with our friends and with our allies, as has been in the past," Hochul said. "You're not going to restore the trust of the people of New York if you keep playing the same games over and over."

Hochul came under fire Tuesday for her first two appointments to JCOPE, one of which was a previous appointment by former Gov. Andrew Cuomo.

That was announced moments before JCOPE met to discuss a handful of investigatory matters related to Cuomo, including a potential probe into his alleged use of state resources last year to write his pandemic memoir.

Cuomo had asked JCOPE for an ethics opinion on the book when he started to write it, and staff for the agency told him it was fine — as long as state resources weren't used.

At Tuesday's meeting, JCOPE was considering whether to revoke that ethics opinion, or let it stand as is. If the opinion had been scrapped, Cuomo may have had to pay part of his proceeds from the book to the state.

But when it came up for a vote, half of the commission's members voted against revoking the opinion — including both of Hochul's appointees — saying they didn't want to do so without a formal investigation into the matter.

"I think we have a process," said James Dering, a former Cuomo appointee who was chosen by Hochul Tuesday to act as the commission's chair, who stepped down from the agency last month. Dering isn't new; he was already a member of JCOPE before Tuesday.

"I think we have to operate pursuant to statutes, and I think that process has to be followed," he said.

Some interpreted that as proof that Hochul chose appointees who would side with Cuomo, but she pushed back strongly on those claims Wednesday, saying there's no reason why she would do that.

"What is my interest in doing so? Someone has to ask that question," Hochul said. "So before people make certain assumptions that are highly erroneous — they are wrong. I'm going to let them know right now that they're wrong."

Hochul said Wednesday that she announced her appointments the day before because of a time crunch. Without them, JCOPE wouldn't have been able to act on certain matters. But she pledged a more deliberative process moving forward.

“We are absolutely going to be doing the proper vetting to find individuals,” Hochul said.

The state Legislature is considering several ideas to strengthen JCOPE — or replace it altogether. Few of those ideas have become law. Hochul said she wants that to change.

“I'd rather have had the time to reform it and turn it upside down and start over, literally, with input from our elected officials, our good government groups, and everybody else that has an opinion on this,” Hochul said.

[Florida Senate sheds light on how new political boundaries will be made](#) (Florida)

In an effort to “take steps against the shadow process” that marred legislative redistricting 10 years ago, Senate Reapportionment Committee Chair Ray Rodrigues on Monday announced new rules that put limits on the input the Senate gets from average citizens, political consultants and lobbyists.

The Senate will now require more disclosure from anyone who attempts to address legislators in a public meeting by requiring them to submit a disclosure form that indicates if they are a lobbyist or getting expenses paid. New rules will prohibit legislators from considering maps submitted by the public, unless a lawmaker explicitly requested the map in writing. The Senate will also require legislators to retain all records of communications they get about maps.

And, in what may be the most radical change of all, Rodrigues said the Senate is considering abandoning public meetings to collect citizen input from communities across the state to hear how they would like the maps drawn.

“If you go back and look at the litigation from the last cycle, the [Florida Supreme] Court was very clear that we're no longer allowed to use communities of interest because that was not articulated in the Fair Districts amendments,” said Rodrigues, R-Estero, during the inaugural meeting of the Senate Reapportionment Committee. The Fair Districts amendments to the state Constitution prohibit legislators from drawing maps intended to protect incumbents or political parties.

Rodrigues said the U.S. Supreme Court in [Shelby v. Holder](#) in 2013 removed the requirement that legislators do a “traveling road show” to determine which communities of interest want to be kept together in legislative and congressional districts. Now he questions whether public hearings “makes sense in Florida.”

“So, given that the key piece of information that we received from this road show is no longer applicable to the drawing of the districts, my personal position is I’m not sure we should spend the time to do that,” he said.

The House Redistricting Committee, chaired by Rep. Tom Leek, R-Ormond Beach, will hold its first meeting Wednesday. The two committees are expected to launch a website in the next week that will provide map-drawing software for the public to use to draw maps.

Goal to reduce outside influence

Rodrigues said the goal of the new Senate rules is to prevent legislators from using political consultants to illegally influence redistricting as they did 10 years ago, when the courts invalidated the legislatively drawn Senate and congressional maps. Florida’s courts ruled that legislators violated the Fair Districts amendments.

“I intend for this committee to conduct the process in a manner that is consistent with case law developed during the last decade, is beyond reproach and free from any kind of unconstitutional intent,” he said.

Rodrigues said he wants the Legislature to restore public trust so that the courts give it “legislative deference” again, and when the maps are reviewed the court will start with the assumption that the maps are legal.

After the court ordered legislators back to the drawing board in 2015, “the Florida Senate was in a position where they had to record each of their meetings,” Rodrigues recalled. “They had lost the legislative deference, and they’d lost the presumption that any map they brought forth was constitutional.”

He vowed to change that this time.

“This committee will pass maps that are compliant with the Constitution, that are compliant with all of our Florida Statutes, and that meet all federal requirements,” Rodrigues said. “We’re going to be constitutional, and we’re going to preserve our legislative deference that exists.”

We're not going to give the courts any reason to assume that anything we do is unconstitutional."

Outside maps must have Senate sponsor

In addition to requiring additional disclosure, the Senate will require any map submitted by the public for inclusion into the Senate proposal to be sponsored by a senator. Publicly submitted maps that do not have a Senate sponsor will be available on the joint website, www.floridaredistricting.gov, for members to review. A similar process was followed last time but many publicly-drawn maps were rejected by Senate leadership in favor of parts of maps drawn by political consultants.

The [new appearance form will apply to all committees](#), not just the Reapportionment Committee. Speakers will be asked to check one of the following: "I am appearing without compensation or sponsorship," "I am a registered lobbyist" or "I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.)." It is not clear what kind of enforcement the Senate will employ or what penalties there will be for violations.

The Senate committee is comprised of eight Republicans, four Democrats and three senators who are serving in the Senate for the first time. Despite that, two of the freshmen Republicans, Sens. Danny Burgess, R-Inverness, and Jennifer Bradley, R-Fleming Island, were chosen by Senate President Wilton Simpson to chair the legislative and congressional redistricting subcommittees.

Sen. Lauren Book, the Senate Democratic leader from Plantation, could not be reached for comment on what she thinks of the new rules or whether she had any input on which Democrats were chosen to be members of the committee.

Meanwhile, as redistricting software becomes more accessible for the general public, several groups will be monitoring and analyzing what Florida's legislators draw.

Political students at the University of Florida will download every map proposed by House and Senate leaders to provide the public with an independent analysis of which communities, incumbents and political parties the maps help and hurt, said UF political science professor Michael McDonald.

He said he has been working with a team of researchers for the last four years to collect precinct boundaries and data. They have merged the Census data with precinct boundaries and they will be building maps using online map-drawing apps.

UF's political science department will also conduct a map-drawing contest for students, offering up \$100 gift cards for those who produce winning maps by Oct. 30, McDonald said.

Another non-partisan group, RepresentUS, has [teamed up with the Princeton Gerrymandering Project](#) to create the [Redistricting Report Card](#), an algorithm that identifies gerrymandering as it happens and gives states grades on proposed voting maps.